

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 21-49611

TYSHAWN MARQUIS SPENCER,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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ORDER DISMISSING CASE

On December 14, 2021, the Debtor filed a voluntary petition for relief under Chapter 7, commencing this case, and the Debtor also filed, among other documents, a “Certificate of Counseling” (Docket # 3), which states that **on January 4, 2021**, the Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

The Debtor is not eligible to be a debtor in this case, under 11 U.S.C. § 109(h)(1). That provision provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, **during the 180-day period ending on the date of filing the petition** by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

(Emphasis added).

The Debtor did not receive the required credit counseling briefing during the 180-day period ending on the date of the filing of his petition. In this case, the “180-day period ending on” the petition date of December 14, 2021 began on June 17, 2021. The Debtor received the credit counseling briefing on January 4, 2021, more than 5 months before the 180-day period began. Because the Debtor is not eligible to be a debtor in this case, the case must be dismissed.

IT IS ORDERED that this case is dismissed.

Signed on December 15, 2021



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge